

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AUTO UNDERWRITERS PORTFOLIO)	Case Number 07 C 7160
ACQUISITION COMPANY, INC., a Texas)	
corporation, AUTO UNDERWRITERS)	
FINANCE COMPANY, INC., a Texas)	
Corporation, AUTO UNDERWRITERS OF)	
AMERICA, a California corporation,)	
)	
Plaintiffs,)	Honorable Judge David H. Coar
)	
v.)	
)	
AGM, LLC, a Delaware limited liability)	
company,)	
)	
Defendant.)	

**AGREED MOTION FOR EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant AGM, LLC ("AGM" or "Defendant"), through its attorneys, hereby respectfully moves the Court for an extension of time of thirty-two (32) days, until May 19, 2008, for Defendant to respond to Plaintiffs' Complaint. In support of this motion, Defendant respectfully states:

1. On December 20, 2007, Plaintiffs electronically filed their Complaint against AGM.
2. On February 8, 2008, Defendant timely filed a *Motion To Dismiss For Lack Of Subject Matter Jurisdiction Pursuant To F.R.C.P. 12(B)(1)* ("Motion") on the grounds that no diversity exists in this case because one of Defendant's members is a citizen of the same state – California – as one of the Plaintiffs here. In support of the Motion, Defendant submitted a declaration of its General Manager.

3. This Court entered a briefing schedule on the Motion and the parties submitted briefs. Defendant also submitted an additional declaration by its General Manager as to its member's status as a California citizen.

4. On April 3, 2008, at a hearing in open Court, this Court denied the Motion. The Court indicated that the Declarations submitted by Defendant were not sufficient to demonstrate that diversity did not exist and stated that Defendant should provide additional proof regarding the purported California citizenship of its member. With respect to Defendant's stated concerns regarding the confidential nature of its members' identities and information, the Court said that the parties should be able to address any such concerns through a protective order.

5. As part of the parties discussions pursuant to F.R.C.P. 26(f), counsel for Defendant drafted a Protective Order and sent it to counsel for Plaintiffs. The Report of Parties' Planning Conference, filed on April 10, 2008, states that the parties "anticipate endeavoring to enter an agreed protective Order for submission to and consideration by the Court" [Docket No. 25.]

6. Soon thereafter, counsel for Plaintiffs notified counsel for Defendant that Plaintiffs would be substituting counsel. Counsel for Plaintiffs, Mr. Hans Stucki, apprised the Court of this fact at the April 15, 2008, Rule 16(b) Scheduling Conference and introduced Plaintiffs' new counsel, Mr. Ian Sherman. Mr. Sherman told the Court that he had not yet entered his appearance on behalf of Plaintiffs but would do so shortly.

7. Counsel for the parties are in the process of negotiating the Protective Order to be submitted to the Court, so as to facilitate discovery relating to the issue of diversity of citizenship.

8. This request for an extension of time is necessary to allow for the entry of a Protective Order and for discovery relating to the citizenship of the purported California member.

9. This request for an extension of time is not made for purposes of delay or to prejudice any party.

10. Counsel for the Defendant and counsel for Plaintiffs have conferred regarding this request for an extension of time and counsel for Plaintiffs has no objection to such extension. Specifically, on April 15, 2008, Mr. Stucki sent counsel for Defendant an e-mail stating that he has no objection to an extension. That same day, Mr. Sherman also sent counsel for Defendant an e-mail consenting to, and suggesting, "an approximate 30 day extension." Because a 30-day extension of time would fall on a Saturday (May 17, 2008), Defendant requests a 32-day extension of time until Monday, May 19, 2008.

WHEREFORE, Defendant requests that the Court enter an order extending the time for Defendant to respond to Plaintiffs' Complaint by 32 days, or until May 19, 2008.

DATED: April 17, 2008

/s/ David J. Stagman
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